DOCUMENT RESUME

ED 097 799 FL 005 970

AUTHOR Chin, Big-Qu; Duda, Halyna
TITLE Ethnic Group Schooling and the Massachusetts Transitional Bilingual Education Act.
PUB DATE May 72
NOTE 30p.

EDRS PRICE MF-$0.75 HC Not Available from EDRS. PLUS POSTAGE
DESCRIPTORS *Bilingual Education; Bilingualism; Cultural Background; *Educational Legislation; *Ethnic Groups; Minority Groups; Parochial Schools; *Private Schools; School Support; *School Surveys; State Legislation

ABSTRACT

Ethnic schools (supplementary schools conducted on Saturday and weekday afternoons and religion-affiliated day schools) in the Boston area were surveyed in order to determine the effect of the Massachusetts Transitional Bilingual Education Act (TBEA) on ethnic schooling and the possibilities of ethnic school involvement with TBEA. The schools studied were Roman Catholic parish schools and two types of ethnic supplementary schools: (1) those serving new immigrants along with American-born ethnics; and (2) those serving ethnic groups which no longer have sizable numbers of new immigrations. Questionnaires were used to collect data from ethnic school teachers and directors. The findings showed that the TBEA is perceived as having: (1) a potential negative impact on the educational efforts of certain ethnic groups, i.e., Chinese and Greek; (2) no impact on the supplemental educational efforts of groups that immigrated primarily before the mid-1950's, i.e., Armenians and Poles; (3) no impact on Roman Catholic parochial schools serving ethnically homogeneous parishes. Methods for involving the ethnic group schools in the implementation of the TBEA are suggested. Concluding the study are recommendations for State recognition and support of ethnic schools because of their valuable role in the process of socialization of immigrant children, as well as the preservation and development of bilingualism in both immigrant and native-born children. A brief history of the TBEA and a copy of the Act and the questionnaire are provided. (LG)

ED 097709

BEST COPY AVAILABLE

ETHNIC GROUP SCHOOLING

AND THE

MASSACHUSETTS TRANSITIONAL BILINGUAL EDUCATION

ACT

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

Big-Q u Chin
Halyna Duda

May, 1972

TM 005 670

Ethnic Group Schooling and the Massachusetts Transitional Bilingual Education Act

Introduction: A Brief History of the Mass. TBEA

Public education came under attack in Massachusetts in the late 1960's: Massachusetts schools were charged with denying equality of educational opportunity to the non-English speaking and the poor English speakers who came from non-English speaking homes. The situation of these children, documented in the report of the Task Force on Children Out of School and numerous public hearings, often handicapped them for life by impeding educational progress as well as normal socio-psychological development. The non-English speaking child, thrust into a classroom environment where both language and culture, attitudes and values were foreign, often came to view his own mother tongue and family culture as inferior to the dominant culture. Sometimes non-English speaking children were placed in classes for the mentally retarded. However, even after the child became acculturated, the problems arizing from having no communication between his school life and his home life often culminated in dropping out. In 1970 the drop-out rate among Puerto Rican junior high school students was 90 percent of all who began jr. high school.

These and other facts were picked up by the local media; the number of concerned and vocal people grew. The Massachusetts Coalition for Bilingual Education was formed by various ethnic organizations, religious groups, government

agencies, educational and social institutions throughout the state to gain more support for the Transititonal Bilingual Education Bill which was presented in the legislature. The public was urged to write to state representatives to vote favourably for the Bill. Members of the Coalition Steering Committee included ABCD, the Harvard Center for Law and Education, League of Women Voters of Massachusetts, Massachusetts Commission Against Discrimination, and members of religious orders.

On December 3, 1970, Michael Daly, Chairman of the House Education Committee, and David Bartley, Speaker of the House, had introduced House Bill 3575. After a number of revisions, the Bill was passed on October 26, 1971, effective after the 90-day waiting period. Regulations were written to interpret ambiguous parts of the legislation in preparation for the September 1972 implementation date.

Among all the questions that are facing authorities, these are among the most puzzling: What are the best ways to get "maximal practicable involvement"? How should the act be enforced? Where can suitable material be found? Who is elegible to teach in a a bilingual program? How large and varied will be the demand for TBEA programs? How should priorities be set in view of constrained resources?

Purpose of study

The unique position of Mass. in legislating bilingual education has presented Mass. education authorities with many new and difficult problems. The manner in which these problems are resolved will no doubt have impact not only on bilingual education in Mass., but also in other states on the same threshold.

Available descriptive and quantitative data confirms that (1) the ethnic composition of the total Mass. population is quite diverse, and (2) included in the societal structures of many of these ethnic groups are educational institutions which could be affected by TBEA.

One group of question arizing from the TBEA deals with the effect of the bilingual education measure passed on the educational efforts of the ethnic group itself. This investigation sought to identify the implications of the TBEA for ethnic group schooling , as well as to see what are the possibilities for ethnic group school input, (e.g., teachers, curriculum), into TBEA programs.

Thus, the significance of this brief survey was intentionally two-fold, providing useful information for directors of both the TBEA program and the ethnic group schools. Specifically, the TBEA program directors are confronted by the task of determining the numbers and nationalities of potential program participants. While a survey conducted throughout Mass. public schools undoubtedly will provide a good estimate, this figure could be refined by additional figures on non-English speaking

enrollment in private supplementary and all-day schools. Also, information on the numbers, nationalities, education, qualifications, etc., of ethnic school teachers could provide an idea of the availab ility of human resources for staffing the TBEA. Knowledge about ethnic school curriculum materials could also be helpful for the TBEA program directors, possibly providing guidelines or models for effective teaching materials.

On the other hand, such a study could identify some of the implications of the TBEA for the ethnic school. Are the ethnic students eligible for a bilingual program under the TBEA? Will they prefer the public to the private schooling? If there is a preference for the TBEA programs to the exclusion of the ethnic offering, will this serve to undermine ethnic group loyalties? or possibly intensify them?

Although we tried to keep these important questions in mind while conducting our survey, various constraints made it impossible sometimes to handle much beyond these our primary objectives: (1) to determine the impact of TBEA on ethnic schooling; (2) to determine what there the possibilities for ethnic school input into TBEA implementation.

The term "ethnic group schooling" for our purposes refers to ethnic group educational efforts as characterized by supplementary schools (conducted on Saturday and weekday afternoons) as well as religious-affiliated day schools. "Ethnic group" refers to a group of people of the same nationality or race who share a common and distinctive culture.

Design and Procedure

Questionnaires and interviews were used to collect data from ethnic school teachers and school directors (see Appendix).* The constraints imposed by time and lack of resources, not to mention the nature of the task itself, made it unrealistic to demand statistically complete and accurate information.

Some of the difficulties encountered in collecting data about ethnic supplementary education were due to the uneven nature of the educational operation being surveyed. Often the classes are held in rented space, usually without a telephone listing. School teachers and director usually teach the entire time allotted for school, i.e., Saturday from 9 to 1:00 p.m., making interviewing a hurried, harried procedure.

Because of irregular attendance, some directors could not give accurate enrollment figures for students per grade, or tell whether the child had been born in the U.S. or abraod. In the cases where the director could not communicate in English, (nor the interviewer speak the director's native language), communication was possible only through an ethnic student or relative who spoke English. Also, few directors had even heard of the TBEA, so much of the interviewing time was spent informing the director about the new law.

---

* Given the present state of incomplete information about ethnic group educational efforts in Massachusetts, it is not known to what degree the sites chosen for this study are representative of the total ethnic effort and/or the effort of each group. The religious-affiliated schools were located through the Boston Catholic Directory which lists ethnic parishes by nationality and through the Greek Orthodox Church. The ethnic supplementary schools were located with the help of ethnic leaders and/or through various ethnic community organizations.

TBEA and Roman Catholic ethnic parish schools

Despite the fact that each RC school surveyed is operated by a different ethnic group, it appears that distinguishing characteristics are washed out by these basic common denominators: (1) general adherence to the traditional American educational structures and pedagogy, expressing in application the full range of repression-supportiveness; and (2) frequent manifestation of the common RC religious commitment. Based on our limited sample, it also appears that the RC ethnic parish has made a commitment to elementary rather than secondary education, (doubless reflecting parental and student preferences and cost differentials).

ethnic content

Opposing the effect of the two common factors to make these schools alike, some ethnic content was provided in every RC ethnic parish school surveyed, with the exception of the Italian parishes.

In the French RC schools all children study French; a pass-fail grading system is used for French class evaluation rather than the standard alphabet. French is taught almost as a foreign language, since it is often not spoken at home even though parents value it enough to request that compulsory study of the French lan guage be maintained in the school program.

In both the Lithuanian and Polish parish schools, ethnic language and culture study was conducted informally, usually in the form of a short warm-up at the beginning of the school day. In St. Stanislaus (Polish), study of Polish was also treated as an academic subject.

In Mt. Carmel School (Portugese), all children (K-8) are required to study Portugese. These Portugese language classes are conducted as foreign language rather than bilingual classes, since few children are learning Portugese at home. The Principal explained that newly immigrated non-English speaking children are attracted to the public schools, which have the resources to provide programs to meet the needs of the non-English speaking.

In addition to academic school activities with ethnic content, most of these schools also organized programs in commemoration of events of special religious or nationalistic significance for the ethnic group. The children of Our Lady of Czestochowas, for example, to take part in evening Polish community programs.

students

Data from this survey indicates that these RC ethnic parish schools serve the English-speaking, American-born child whose parents prefer a non-public school education for one or a combination of these reasons: (1) religious content, (2) ethnic content, (3) the stricter discipline characteristic of RC schools, and (4) the convenience of having a school in the neighborhood. As a group, the French parents appear to be motivated by the ethnic and religious factors; the principal of St. Carmel School believed that most Portugese parents sought a stricter discipline for their children.

The percentage of non-English speaking students in all schools was insignificant. For this reason, as well as due to the presence of ethnic mother tongue speakers (to serve as translators) among the students and usually the teaching staff, no special programs were organized for these non-English speaking students.

teaching staff

Not surprisingly, at least half the teaching staff in each school consisted of religious; with only two exceptions, the teaching religious in all schools surveyed belonged to ethnic religious orders. Also, in one of the two exceptions, the American order included religious of the ethnic background characteristic of the parish. In the other exception, the principal, a nun, said she did not understand why an American order was serving in an Italian parish.

Among the lay teachers were usually found a small percentage of teachers of the given ethnic group; of these perhaps half spoke the mother tongue.

impact of the TBEA on RC ethnic parish schools

In general, it was the opinion of the principals interviewed that the TBEA will have no impact on RC ethnic parish schools for these reasons: (1) the number of non-English speaking students served by these schools is small; and (2) despite the continuation of a steady immigration of Portugese, Italian, and to a lesser degree Polish children, the programs of TBEA would not compete with the programs of RC schools in the minds of parents sending their children to RC schools.

In terms of ethnic group input into the TBEA programs, it seems from the limited information available that the contribution these RC parish schools could make to TBEA would be minimal: With the exception of the French language courses, ethnic education in general was conducted with curriculum materials that would need revision for use in TBEA programs.

Moreover, the RC ethnic school staff doesn't represent a foreign language pool for TBEA use because a high percentage of mother tongue speakers are members of religious orders.

~ Table I ~

ETHNIC GROUP ALL DAY SCHOOLS

Ethnic group (Catholic)	enrollment total/immigra	teachers total/religious*	nature of ethnic content in education
French			
St. Anthony's (K-8)	380/0 (?)	13/9*	compulsory French
St. Ann's (K-8)	550/8 (?)	18/9*	compulsory French
Italian			
St. Anthony's (K-8)	352/3 ('72)	9/6*	none
Sacred Heart (K-6)	261/4 ('72)	11/5	none
Lithuanian			
St. Peter's (1-6)	300/0 (?)	11/9*	Lithuanian language through poems and song
Polish			
Our Lady of Czestochowa (1-8)	220/4 (?)	8/6*	10-15 minutes Polish daily
St. Stanislaus	183/1	/ *	all students study Polish (not compulsory
Portugese			
Mt. Carmel (K-8)	320/4 (?)	9/6*	compulsory Portugese
St. Michael's	338/some	9/4*	none (have ESL teacher from public schools in Fall River, Mass.)
(Orthodox)			
Greek			
Helenic-Amer. School (K-6) (sponsored by Greek Orth. Ch.)	195-80	7/0	bilingual education

*signifies order is ethnic order

BEST COPY AVAILABLE

TBEA and Ethnic Supplementary Schooling

Supplementary schools fall into 2 major categories, i.e., (1) those schools which serve a small but steady stream of new immigrants along with American-born ethnics, and (2) those schools serving ethnic groups which no longer have any sizeable new immigrations.

Representing the latter group, Chinese and Greek schools are (1) attended by proportionately significant numbers of new immigrants (usually 1/2 student enrollment is new immigrant), (2) usually conducted several times a week, and (3) taught by teachers who are foreign born.

By contrast, the schools of ethnic groups no longer increasing through immigration (1) generally conduct classes 2 to 4 hrs. weekly usually (Saturday), (2) have little or no new immigrant children, and (3) have a greater number of teachers who are not foreign born.

While in both cases active parental interest is responsible to a great degree for the operation of these schools, it is noticeable that in the Chinese and Greek ethnic groups, important community organizations are the sponsors, whereas in the Armenian, Latvian, Lithuanian, Ukrainian and Polish groups, parent committees are either the sole sponsors or co-sponsors, with religious institutions playing a supportive role and housing these educational activities.

Table II

SUPPLEMENTARY ETHNIC SCHOOLING

Ethnic Group School	Grade levels	Students: Total/for.born	Teachers: total/for.born	Class hrs. per wk	Accommo-dations	Sponsor
Armenian (1)	K-6	65/0	8/7	Sat. 9:30-12:00	Church hall	Armenian Apos. Ch.
(2)	K-6	48/*	8/7	M.& W.2:15-4:15	Church	St. James Sch. Bo
	K-6	52/*	8/7	Sat. 9:30-12:15	Church Hall	"
Chinese	1-6	ca 121/61	5/5	M.-F.4:30-7:00, occa. Sat. a.m.	In bldg. owned by Chinese Mer. Assn.	Chinese Mer. Assn
Greek (1)	1-3	ca40/20	1/1	M.-F. 3:30-5 p.m.	Gk.Comm. Sch.House	Greek Ort Church
(2)	1-6	ca150/?	4/4	"	Church Hall	"
(3)	1-6	ca100/50	3/2	3:30-5p.m. 1-2 days per wk	"	"
(4)	1-6	ca250/125	4/1	M.-F. 3-5	"	"
(5)	1-6	ca67/33	3/3	"	"	"
Latvian	(not known)	100/?	12/6	Sat.10-2p.m.	Latvian Church Hall	Parents Committe & Church
Lithuanian	1-11	124/?	11/7	Sat. 9 am.-1p.m.	S. Boston Lith. Ch.	Parents Committ
Ukrainian	1-8	36/0	5/3	Sat. 9-12:00	Church Hall	Parents Committe & Church
Polish	1-6	22/0	3/3	Sat. 10-12	parochial school	Polish Nat'l Alliance, parents
German	1-6	90	5/5	Sat. 10-12	B.U.	Parents/ Ger. Gov

*signifies number insignificant

BEST COPY AVAILABLE

Findings briefly summarized

With respect to the TBEA, we found that it is perceived as having (1) potential negative impact on the educational efforts of certain thenic groups, i.e., Chinese, Greek; (2) no impact on the (supplementary) educational efforts of those groups which had immigrated prior to the mid-1950's and have since then received no substantial numbers of new immigrants into their group, i.e., Armenians, Latvians, Lithuanians, Poles, and Ukrainians; and (3) no impact on Roman Catholic parochial schools serving an ethnically homogeneous parish, i.e., French, Italians, Poles and Portugese

In the process of collecting data on the perceived impact of TBEA on schools serving ethnic communities, we inevitably also obtained a picture of ethnic schooling in general. Of particular interest to us, and, we believe, of possible significance in the development of bilingual education in Mass., are the ethnic supplementary schools.

Whereas the most commonly known activity these schools conduct is the transmission of the ethnic language and culture to the next generation, our research reveals a diversity of purpose in present ethnic schools.

In schools where a high proportion of the enrollment is new immigrants, the schools perform an important socializing function: By bringing the new immigrants in contact with the more acculturated fellow ethnics, state the ethnic school directors, the psychological problems arizing from adjustment to a new culture and language are alleviated for the newly immigrated child. For this child sees that the difficulties of learning English are similar to, if not less

BEST COPY AVAILABLE

difficult than, learning the ethnic mother tongue is for the American-born ethnic children; he also sees that he will find acceptance by the Americanized, i.e., American, children. Consequently, in this environment, the new immigrant can be learning English without having to totally reject his primary language and culture. In fact, the immigrant child's self-esteem can be raised as psychological conflicts are minimized.

On the other hand, the American born students in contact with newly immigrated children can experience the culture of their parents in a fuller way. This new perspective could lead to better communication across generational lines, as well as a greater appreciation for his ethnic language and culture study.

In the schools with a total, or near total, American born ethnic enrollment, ethnic schools play a slightly different role. Their first and most obvious function also is to transmit the ethnic language, history, literature and other aspects of ethnic culture. A second function is to socialize the second, third, or fourth generations into the ethnic community. It is through these schools that ethnic community leaders seek to maintain support for their ethnic (religious, educational, fraternal, scouting, etc.) organizations by fostering a sense of responsibility toward one's ethnic group.

For the ethnic group teachers with third and fourth generation Armenian children, for example, the educational emphasis as dictated by American born parents is on the socialization aspects of their child's ethnic education. For the second generation ethnic child whose group by and large has a heavy foreign born leadership, the educational emphasis still tends to be on the academic aspects of the ethnic education, (Polish, Lithuanian, Latvian, Ukrainian).

Potential roles of ethnic group schools

It is conceivable that ethnic group schools can participate in the solving of problems involved in implementation of the TBEA. For example, in the TBEA Title VII, it is provided that a bilingual education program "will utilize .. assistance of persons with expertise in the educational problems of children of limited English-speaking ability and make optimum use in such programs of the cultural and educational resources of the area to be served."

Since there is an immediate need for bilingual teachers, and few universities have as yet taken steps to meet this need, the ethnic school's pool of experienced and qualified, although not always certified by American standards, teachers can be tapped to fill staff positions.

But even if these ethnic schools were not in a position to directly supply bilingual teachers, they are in a position, as expressions of strong community loyalty, to make referrals, i.e., serve as the linkages between the ethnic community and the public schools. Using these linkages, that is, the teachers, parents, graduates and students involved, could facilitate and maximize the involvement provisions of the TBEA. Also, the ethnic schools perhaps can be consulted in the development of curriculum and methods, as well as contribute their own materials if suitable.

However, from our picture of supplementary ethnic schools, it seems that these schools are useful not only in what they could offer for TBEA success, but in their own right as educational enterprizes.

BEST COPY AVAILABLE

As they are presently operated, they assist in the education and socialization to a culturally plural American society those children who might otherwise become dissaffected, alienated and useless, if not a burden, to society. A second valuable function of these schools is to preserve and develop a national resource: bilingualism. In this work they are perhaps even more important than public schools, which, Joshua Fishman, author of Language Loyalty in the U.S., states have other priorities:

> While the public school can certainly become a much more valuable vehicle of language maintenance, and of language instruction, than it currently is, it does have other and more central goals to pursue. The curricular demands placed upon it and the administrative and social pressures to which it is exposed effectively preclude it from becoming primarily or even significantly concerned with language maintenance.[1]

However, ethnic school teachers and directors make it clear that these schools function in the face of growing difficulties, the greatest of which arize from lack of a financial base. Speaking to this point, sociologist Nathan Glazer has long said that "the only hope for the maintenance of the valuable resource of foreign language facility still available to us is for language loyalists and others interested in language maintenance to learn the techniques of using rational organization and public commitment in support of their goals,"[2] (added emphasis).

Therefore, it seems logical that the State recognize and address itself in some way to the needs of ethnic schools. This proposition was expressed in the House Hearings on the Bilingual Education Bill in 1967 in this form:

> We feel that many social and private educatioan agencies throughout the nation, that have been dealing with the problems of the bilingual population, have already developed programs and expertise in the field of bilingual and bicultural education programs. The contribution of some of the aforementioned agencies to this program area has been a most valuable one. Making funds available to them under this act will allow them to continue their work and make further and greater contributions to the field of bilingual and bicultural education.[3]

However, ethnic schools were ignored.

With some sort of State recognition and educational legitimacy the valuable contribution of ethnic schooling can be enhanced and multiplied--enhanced by the effects of external help and standards which would accompany State recognition and legitimacy; and multiplied by opening the doors of ethnic schools to all, regardless of ethnic background. Indeed, for the American born child wishing to learn a foreign language--or his parent's mother tongue--the total immersion method provided by the ethnic school environment could make language learning effective and enjoyable. But in the broader perspective, it is important to note that such support for the ethnic school would have a positive effect on society as a whole, for it would bolster the richness, vitality and individuality of the ethnic contribution to American life.

Considerations for TBEA Advisory Board:

Our considerations derive from an analysis of the data, as well as our answers to these more theoretical questions which began to emerge:

To what extent, if any, can the TBEA be interpreted as a further development of Title VII, ESEA, i.e., having asserted the value of bilingual/multi-lingualism--a step beyond the ESEA compensatory argument--what should be the next phase response of Massachusetts to the request that Latvian, for example, be taught in public school? To what degree are the concerns of ethnic schools also the legitimate concerns of public education--and how does this translate into public support for the ethnic school operation? What forms of public support are possible--now? in a long term perspective? How are standards to be set? And certainly at the heart of these questions is the fundamental issue of the nature of the State's responsibility to meet the needs of a culturally diverse society.

On the basis of our rather exploratory investigation, we would like to present these points for consideration:

1. The supplementary education provided by ethnic groups should be recognized as a legitimate and valuable educational enterprise, concurrently serving the best interests of both the individual, his group, and the larger society;

2. This recognition by the State educational authorities be translated into the granting of credits for the study of language, history, literature, culture, etc.

3. That, on the basis of further study, this recognition be translated into actual support for ethnic group educational endeavors.

BEST COPY AVAILABLE

The Commonwealth of Massachusetts
Advance copy 1971 Acts and Resolves
JOHN F. X. DAVOREN, *Secretary of the Commonwealth*

730 of the acts of 1950, and inserting in place thereof the following section: —

Section 62. The commissioner may in the event of any public emergency, or of any unusual demand for the services of members of said police force, or whenever he deems it necessary in the public interest, require such members to work additional hours of duty and prevent such members from taking time off when entitled thereto, or assigned therefor; provided, however, that such members shall be compensated for any additional work in accordance with the provisions of section thirty C of chapter one hundred and forty-nine.

SECTION 6. Section sixty-two B of said chapter ninety-two is hereby repealed.

SECTION 7. Chapter 149 of the General Laws is hereby amended by inserting after section 30B the following section: —

Section 30C. The service of all members of the uniform branch of the state police, state police detectives, members of the metropolitan district police force, capitol police and land based natural resource officers shall consist of an average of forty hours per week over a period of one or more work weeks not in excess of eight, as determined by the commissioner of the department in which they are respectively serving, or the commissioner of administration in the case of the capitol police, and shall be restricted to not more than five normal work days, as so determined, in any consecutive seven-day period; provided, however, that all service in excess of the normal work day, as so determined, or in excess of forty hours per week, as so averaged, rendered by any such officer at the request of the commissioner of the department in which he is serving, or the commissioner of administration in the case of the capitol police, shall be compensated for at the rate of one and one half times the regular hourly rate of such officer for every hour or fraction thereof of such services rendered.

The director of personnel and standardization is empowered to make rules and regulations, subject to the approval of the commissioner of administration, to carry out the provisions of this section.

Approved November 4, 1971.

Chap. 1005. AN ACT PROVIDING FOR THE ESTABLISHMENT AND IMPLEMENTATION OF PROGRAMS IN TRANSITIONAL BILINGUAL EDUCATION IN THE PUBLIC SCHOOLS OF THE COMMONWEALTH, WITH REIMBURSEMENT BY THE COMMONWEALTH TO CITIES, TOWNS AND SCHOOL DISTRICTS TO FINANCE THE ADDITIONAL COSTS OF SUCH PROGRAMS.

Be it enacted, etc., as follows:

SECTION 1. *Declaration of Policy.* — The General Court finds that there are large numbers of children in the commonwealth who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The General Court believes that a compensatory program of transitional bilingual education can meet the needs of these children and facilitate their integration into the

BEST COPY AVAILABLE

regular public school curriculum. Therefore, pursuant to the policy of the commonwealth to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this act to provide for the establishment of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts to meet the extra costs of such programs.

SECTION 2. The General Laws are hereby amended by inserting after chapter 71 the following chapter: —

CHAPTER 71A.

TRANSITIONAL BILINGUAL EDUCATION.

Section 1. The following words, as used in this chapter shall, unless the context requires otherwise, have the following meanings: —

"Department", the department of education.

"School committee", the school committee of a city, town or regional school district.

"Children of limited English-speaking ability", (1) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English; and (2) children who were born in the United States of non-English speaking parents and who are incapable of performing ordinary classwork in English.

"Teacher of transitional bilingual education", a teacher with a speaking and reading ability in a language other than English in which bilingual education is offered and with communicative skills in English.

"Program in transitional bilingual education", a full-time program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school committee which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

Section 2. Each school committee shall ascertain, not later than the first day of March, under regulations prescribed by the department, the number of children of limited English-speaking ability within their school system, and shall classify them according to the language of which they possess a primary speaking ability.

When, at the beginning of any school year, there are within a city, town or school district, not including children who are enrolled in existing private school systems, twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program in transitional bilingual education for the children therein; provided, however, that a school committee may establish a program in transitional bilingual education with respect to any classification with less than twenty children therein.

The Commonwealth of Massachusetts
Advance copy 1971 Acts and Resolves
JOHN F. X. DAVOREN, *Secretary of the Commonwealth*

BEST COPY AVAILABLE

Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in transitional bilingual education established for the classification to which he belongs by the city, town or school district in which he resides for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur.

A child of limited English-speaking ability enrolled in a program in transitional bilingual education may, in the discretion of the school committee and subject to the approval of the child's parent or legal guardian, continue in that program for a period longer than three years.

An examination in the oral comprehension, speaking, reading and writing of English, as prescribed by the department, shall be administered annually to all children of limited English-speaking ability enrolled and participating in a program in transitional bilingual education. No school committee shall transfer a child of limited English-speaking ability out of a program in transitional bilingual education prior to his third year of enrollment therein unless the parents of the child approve the transfer in writing, and unless the child has received a score on said examination which, in the determination of the department, reflects a level of English language skills appropriate to his or her grade level.

If later evidence suggests that a child so transferred is still handicapped by an inadequate command of English, he may be reenrolled in the program for a length of time equal to that which remained at the time he was transferred.

Section 3. No later than ten days after the enrollment of any child in a program in transitional bilingual education the school committee of the city, town or the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain a simple, nontechnical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from said program by written notice to the school authorities of the school in which his child is enrolled or to the school committee of the city, town or the school district in which his child resides.

Section 4. A school committee may allow a nonresident child of limited English-speaking ability to enroll in or attend its program in transitional bilingual education and the tuition for such a child shall be paid by the city, town or the district in which he resides.

BEST COPY AVAILABLE

Any city, town or school district may join with any other city, town, school district or districts to provide the programs in transitional bilingual education required or permitted by this chapter.

The commonwealth, under section eighteen A of chapter fifty-eight, shall reimburse any city, town or district for one half of the cost of providing transportation for children attending a program in transitional bilingual education outside the city, town or district in which they reside.

Section 5. Instruction in courses of subjects included in a program of transitional bilingual education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public school classes provided for said subjects. Each school committee of every city, town or school district shall ensure to children enrolled in a program in transitional bilingual education practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular public schools in the city, town or district. Programs in transitional bilingual education shall, whenever feasible, be located in the regular public schools of the city, town or the district rather than separate facilities.

Children enrolled in a program of transitional bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school committee so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the city, town or the school districts shall keep adequate records of the educational level and progress of each child enrolled in a program. The maximum student-teacher ratio shall be set by the department and shall reflect the special educational needs of children enrolled in programs in transitional bilingual education.

Section 6. The board of education, hereinafter called the board, shall grant certificates to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. The requirements of section thirty-eight G of chapter seventy-one shall not apply to the certification of teachers of transitional bilingual education. Teachers of transitional bilingual education, including those serving under exemptions as provided in this section, shall be compensated by local school committees not less than a step on the regular salary schedule applicable to permanent teachers certified under said section thirty-eight G.

The board shall grant certificates to teachers of transitional bilingual education who present the board with satisfactory evidence that they (1) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (2) are in good health, provided that no applicant shall be disqualified because of blindness or defective hearing; (3) are of sound moral character; (4) possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved

The Commonwealth of Massachusetts
Advance copy 1971 Acts and Resolves
JOHN F. X. DAVOREN, *Secretary of the Commonwealth*

BEST COPY AVAILABLE

by the board; (5) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the board; and (6) are legally present in the United States and possess legal authorization for employment.

For the purpose of certifying teachers of transitional bilingual education the board may approve programs at colleges or universities devoted to the preparation of such teachers. The institution shall furnish the board with a student's transcript and shall certify to the board that the student has completed the approved program and is recommended for a teaching certificate.

No person shall be eligible for employment by a school committee as a teacher of transitional bilingual education unless he has been granted a certificate by the board; provided, however, that a school committee may prescribe such additional qualifications, approved by the board. Any school committee may upon its request be exempted from the certification requirements of this section for any school year in which compliance therewith would in the opinion of the department constitute a hardship in the securing of teachers of transitional bilingual education in the city, town or regional school district. Exemptions granted under this section shall be subject to annual renewal by the department.

A teacher of transitional bilingual education serving under an exemption as provided in this section shall be granted a certificate if he achieves the requisite qualifications therefor. Two years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring the status of serving at the discretion of the school committee as provided in section forty-one of chapter seventy-one, and said two years shall be deemed to immediately precede, and be consecutive with, the year in which a teacher becomes certified. In requesting an exemption under this section a school committee shall give preference to persons who have been certified as teachers in their country or place of national origin.

All holders of certificates and legal exemptions under the provisions of section thirty-eight G of chapter seventy-one who provide the board with satisfactory evidence that they possess a speaking and reading ability in a language other than English may be certified under this section as a teacher of transitional bilingual education.

Nothing in this chapter shall be deemed to prohibit a school committee from employing to teach in a program in transitional bilingual education a teacher certified under section thirty-eight G of chapter seventy-one, so long as such employment is approved by the department.

Section 7. A school committee may establish on a full or part-time basis preschool or summer school programs in transitional bilingual education for children of limited English-speaking ability or join with the other cities, towns or school districts in establishing such preschool or summer programs. Preschool or summer programs in transitional bilingual education shall not substitute for programs in transitional bilingual education required to be provided during the regular school year.

Section 8. The costs of the programs in transitional bilingual education required or permitted under this chapter, actually rendered or furnished, shall, for the amount by which such costs exceed the average per pupil expenditure of the city, town or the school district for the

BEST COPY AVAILABLE

education of children of comparable age, be reimbursed by the commonwealth to the city, town or regional school districts as provided in section eighteen A of chapter fifty-eight.

Reimbursement shall be made upon certification by the department that programs in transitional bilingual education have been carried out in accordance with the requirements of this chapter, the department's own regulations, and approved plans submitted earlier by city, town or the school districts, and shall not exceed one and one half million dollars for the first year, two and one half million dollars per year for the second and third years and four million dollars per year for the fourth and subsequent years of programs in transitional bilingual education. In the event that amounts certified by the department for reimbursement under this section exceed the available state funds therefor, reimbursement of approved programs shall be made based on the ratio of the maximum available state funds to the total funds expended by all of the school committees in the commonwealth.

Nothing herein shall be interpreted to authorize cities, towns or school districts to reduce expenditures from local and federal sources, including monies allocated under the federal Elementary and Secondary Education Act, for transitional bilingual education programs.

The costs of programs in transitional bilingual education, other than those actually reimbursed under this chapter, shall be "reimbursable expenditures" within the meaning of chapter seventy and shall be reimbursed under said chapter.

Section 9. In addition to the powers and duties prescribed in previous sections of this chapter, the department shall exercise its authority and promulgate rules and regulations to achieve the full implementation of all provisions of this chapter. A copy of the rules and regulations issued by the department shall be sent to all cities, towns and school districts participating in transitional bilingual education.

SECTION 3. Subsection (*b*) of section 18A of chapter 58 of the General Laws is hereby amended by striking out paragraph (3), as appearing in section 7 of chapter 546 of the acts of 1969, and inserting in place thereof the following paragraph: —

(3) On or before November the twentieth, the reimbursements for the special education programs required to be paid by the commonwealth under chapters sixty-nine, seventy-one and seventy-one A;.

SECTION 4. Chapter 69 of the General Laws is hereby amended by inserting after section 34 under the caption BUREAU OF TRANSITIONAL EDUCATION the following section: —

Section 35. There shall be established within the department, subject to appropriation, a bureau of transitional bilingual education which shall be headed by a project director. The project director shall be appointed by the board of education upon the recommendation of the commissioner, and said project director shall have the minimum qualifications of a bachelor degree in either business administration, liberal arts, or science, and shall have at least two years of documented administrative or teaching experience. The project director shall file a quarterly report with the board of education, the clerk of the house of representatives and the clerk of the senate.

The bureau for transitional bilingual education shall be charged with the following duties: (1) to assist the department in the administration and enforcement of the provisions of chapter seventy-one A and in the

The Commonwealth of Massachusetts
Advance copy 1971 Acts and Resolves
JOHN F. X. DAVOREN, *Secretary of the Commonwealth*

BEST COPY AVAILABLE

formulation of the regulations provided for in said chapter; (2) to study, review and evaluate all available resources and programs that, in whole or in part, are or could be directed toward meeting the language capability needs of children and adults of limited English-speaking ability resident in the commonwealth; (3) to compile information about the theory and practice of transitional bilingual education in the commonwealth and elsewhere, to encourage experimentation and innovation in the field of transitional bilingual education and to make an annual report to the general court and the governor; (4) to provide for the maximum practicable involvement of parents of children of limited English-speaking ability in the planning, development and evaluation of transitional bilingual education programs in the districts serving their children and to provide for the maximum practicable involvement of parents of children of limited English-speaking ability, teachers and teachers' aides of transitional bilingual education, community coordinators, representatives of community groups, educators and laymen knowledgeable in the field of transitional bilingual education in the formulation of policy and procedures relating to the administration of chapter seventy-one A by the commonwealth; (5) to consult with other public departments and agencies, including but not limited to the department of community affairs, the department of public welfare, the division of employment security and the Massachusetts commission against discrimination, in connection with the administration of said chapter; (6) to make recommendations to the department in the areas of preservice and in-service training for teachers of transitional bilingual education programs, curriculum development, testing and testing mechanisms and the development of materials for transitional bilingual education courses; and (7) to undertake any further activities which may assist the department in the full implementation of said chapter.

SECTION 5. Chapter eight hundred and fifty-two of the acts of nineteen hundred and seventy is hereby repealed.

Approved November 4, 1971.

Chap. 1006. AN ACT PROVIDING FOR REIMBURSEMENT TO THE TOWN OF PALMER FOR EXPENSES INCURRED ON ACCOUNT OF THE WATER EMERGENCY DURING NINETEEN HUNDRED AND SEVENTY IN THE BONDSVILLE SECTION OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The commonwealth shall, subject to the approval of the board established by section two of chapter six hundred and eighty-four of the acts of nineteen hundred and sixty-eight, reimburse the town of Palmer a sum not exceeding six thousand and forty-three dollars and forty-eight cents on account of expenses incurred during the period beginning August the eighteenth, nineteen hundred and seventy and ending on October the thirtieth, nineteen hundred and seventy, a state of emergency having been declared by the governor on said August the eighteenth, nineteen hundred and seventy, when a breakdown of the private water supply system resulted in the residents in the Bondsville section of the town of Palmer being without a water supply.

SECTION 2. Any unexpended funds made available by sections six and seven of said chapter six hundred and eighty-four of the acts of nineteen hundred and sixty-eight may be used to meet the expenditures necessary to carry out the provisions of this act.

Approved November 5, 1971.

Chap. 1007. AN ACT REDUCING THE LENGTH OF TIME WITHIN WHICH A LICENSE TO OPERATE MOTOR VEHICLES SHALL BE REVOKED UPON AN ORIGINAL CONVICTION FOR THE UNAUTHORIZED USE OF A MOTOR VEHICLE.

Be it enacted, etc., as follows:

Paragraph (*c*) of subdivision (2) of section 24 of chapter 90 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 163 of the acts of 1969, and inserting in place thereof the following sentence: — The registrar, after having revoked the license or right to operate of any person under the preceding paragraph of this section, in his discretion may issue a new license or reinstate the right to operate to him, if the prosecution of such person in the superior court has terminated in favor of the defendant, or after an investigation or upon hearing, may issue a new license or reinstate the right to operate to a person convicted in any court of the violation of any provision of paragraph (*a*) of subdivision (2) of this section; provided, that no new license or right to operate shall be issued by the registrar to any person convicted of going away without stopping and making known his name, residence and the register number of his motor vehicle after having, while operating such vehicle upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, knowingly collided with or otherwise caused injury to any person, or to any person adjudged a delinquent child by reason thereof under the provisions of section fifty-eight B of chapter one hundred and nineteen, until one year after the date of his original conviction or adjudication if for a first offense or until two years after the date of any subsequent conviction or adjudication, or to any person convicted of using a motor vehicle knowing that such use is unauthorized, until one year after the date of his original conviction or adjudication if for a first offense or until three years after the date of any subsequent conviction or adjudication, or to any person convicted of violating any other provision of paragraph (*a*) of subdivision (2) of this section until sixty days after the date of his original conviction if for a first offense, or one year after the date of any subsequent conviction within a period of three years.

Approved November 5, 1971.

Chap. 1008. AN ACT ESTABLISHING A LEGISLATIVE POST AUDIT AND OVERSIGHT BUREAU.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a legislative post audit and oversight bureau which shall serve under the direction of the joint committee on post audit and oversight in order to expedite an evaluation of the effectiveness of programs already undertaken by the various agen-

BASIC SCHOOL DATA QUESTIONNAIRE

Appendix B

BEST COPY AVAILABLE

1. Ethnic group: _____

2. Name of school: _____

3. Location of school: _____

4. Years of operation: _____

5. School accommodations: _____

(facilities, e.g., library: _____

6. Time and day classes meet: _____

7. Language used in classroom: _____

8. Formal classroom activity:

9. Informal classroom activity:

10. Local sponsoring organization: _____

11. Source of financial support: _____

12. Does this school maintain contact with other similar schools? _____

Is there a central coordinating body? _____

13. Director's name: _____

14. Total student enrollment: _____
No. boys: _____
No. girls: _____

15. Grade level enrollments:

Grade level	1 _____	7	_____
	2 _____	8	_____
	3 _____	9	_____
	4 _____	10	_____
	5 _____	11	_____
	6 _____	12	_____

16. Are students attending the grade level that is equivalent to their day school grades?

BEST COPY AVAILABLE

17. Number of teacher s: _____

male: _____
female: _____

18. Number of teachers born abroad: (est. no. naturalized_____) _____
Number of teachers born in U.S.: _____

19. Education of teachers

no. teachers educated abroad: _____
no. teachers educated in U.S.: _____
no. teachers educated both abroad and in U.S.: _____

20. Certification

no. teacher with public school certification: _____
no. teachers with certification in country of origin: _____

21. (If applies) Number of teaching religious: _____

nuns: _____
priests: _____
monks: _____

22. Nature of parent involvement:

23. Number of parents on parents committee: _____

24. Frequency of parent committee meetings: _____